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OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-FIRST LEGISLATURE

THIRTY-SIXTH LEGISLATIVE DAY
MONDAY, FEBRUARY 13, 2012

Senate Chamber

President Little called the Senate to order at 10:30 a.m.

Roll call showed all members present except Senators Lodge and Pearce, absent and excused.

Prayer was offered by Chaplain Keith Buhler.

The Pledge of Allegiance was led by Renae Feist, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of February 10, 2012, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifth Order of Business.

Petitions, Resolutions, and Memorials

SCR 120

BY RESOURCES AND ENVIRONMENT COMMITTEE A CONCURRENT RESOLUTION

REJECTING APPLICATION TO APPROPRIATE WATER FOR MINIMUM LAKE LEVEL RELATING TO COCOLALLA LAKE LOCATED IN BONNER COUNTY.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Idaho Water Resource Board may apply for a permit to appropriate unappropriated waters of any lake to establish a minimum lake level; and

WHEREAS, under the provisions of Section 42-1503, Idaho Code, an application approved by the Idaho Department of Water Resources for a minimum lake level shall not become finally effective until affirmatively acted upon by the Legislature, except that if the Legislature fails to act prior to the end of the regular session to which the application was submitted, the application shall be considered approved; and

WHEREAS, on January 15, 2010, the Idaho Department of Water Resources issued a preliminary order approving an application to establish a minimum lake level as follows:

Source of water:	Cocolalla Lake located in Bonner County at Township 55 North, Range 2 West, B.M.
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Purpose for the minimum lake level:	To preserve aesthetics, water quality and recreational uses.
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The minimum lake level:	A water surface elevation of 2,207.77 feet above sea level from January 1 through December 31.
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Proposed Priority Date:	July 21, 2008.
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WHEREAS, the preliminary order approving the application became final on January 29, 2011.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-first Idaho Legislature, the Senate and the House of Representatives concurring therein, that the same is hereby rejected.

SJM 103

BY RESOURCES AND ENVIRONMENT COMMITTEE

A JOINT MEMORIAL

TO THE PRESIDENT OF THE UNITED STATES, TO THE SECRETARY OF AGRICULTURE OF THE UNITED STATES, TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

We, your Memorialists, the Senate and the House of Representatives of the State of Idaho assembled in the Second Regular Session of the Sixty-first Idaho Legislature, do hereby respectfully represent that:

WHEREAS, during the First Regular Session of the Sixty-first Idaho Legislature, we adopted Senate Joint Memorial No. 101, which urged the reauthorization and full funding of the federal Secure Rural School and County Self-Determination Act ("SRS" or "Act"); and

WHEREAS, the SRS was enacted to meet the financial obligations of the federal government in rural communities with extensive federal land ownership as these lands do not contribute to the county tax base. The SRS law establishes transfer payment schedules for federal moneys to be paid from the U.S. Treasury directly to the counties to help support their schools, roads and essential services; and

WHEREAS, in 2011, the SRS has provided approximately \$31 million dollars of federal funding to 34 Idaho counties for schools and roads with National Forest System lands in recognition of the federal government's obligation to these counties; and

WHEREAS, Congress has not yet reauthorized the SRS Act and the Act has now expired. Congress may still reauthorize, but current proposals for reauthorization are for less funding and for a shorter time than previous authorities; and

WHEREAS, the purpose of the SRS has always been for the federal government and counties to advance alternative arrangements to the SRS transfers; and

WHEREAS, five Idaho counties, Shoshone, Boundary, Clearwater, Idaho and Valley, commendably have developed a

pilot project or an alternative proposal for SRS funding called a Community Forest Trust ("Trust"); and

WHEREAS, the proposed Trust would provide that resources on certain designated federal lands be managed for the purposes of providing revenues to all Idaho counties currently receiving SRS funding; and

WHEREAS, the resources on the federal lands included in the proposed Trust would be managed by Idaho Department of Lands professionals under all laws, federal and state, as they apply to state lands in Idaho, and overseen by a Board of Idaho County Commissioners appointed by the Governor; and

WHEREAS, lands included in the proposed Trust would remain federal lands and available to all Americans for recreation and enjoyment; and

WHEREAS, the resources in the Trust would be required to be managed prudently and sustainably, and management activities would be monitored to ensure environmental standards are met; and

WHEREAS, the Idaho counties have submitted a proposal to Congress to conduct a pilot of the Trust as part of the SRS reauthorization, and any revenues generated be deducted from approved SRS payments thereby helping both Idaho counties and the federal government meet deficit reduction goals; and

WHEREAS, the Trust pilot would be for a minimum of five years and include resources on 200,000 acres of federal forest land in Idaho; and

WHEREAS, the Idaho Association of Counties Board of Directors and the Idaho Association of Counties Public Lands Committee unanimously approved the Trust pilot in September 2011; and

WHEREAS, the Trust has been reviewed by the Idaho Land Board in August 2011 and supported, in concept, with direction to the Idaho Department of Lands to work with the counties on how it would be implemented.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-first Idaho Legislature, the Senate and the House of Representatives concurring therein, that we urge the Congress of the United States to endorse and enact a Community Forest Trust pilot for Idaho, consistent with the proposal presented by Idaho counties to the U.S. House Natural Resources Committee as part of the July 14, 2011, hearing record on the Secure Rural Schools and Community Self-Determination Act of 2008 reauthorization.

BE IT FURTHER RESOLVED that we urge the Congress of the United States to reauthorize and extend the Secure Rural Schools and Community Self-Determination Act of 2008 (P.L. 110-343) for an additional ten-year period through federal fiscal year 2021, and that the Act be continued at federal fiscal year 2008 funding levels and be funded through mandatory, continuing appropriations.

BE IT FURTHER RESOLVED that the Secretary of the Senate be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the United States, the Secretary of Agriculture of the United States, the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States.

SCR 120 and SJM 103 were introduced, read at length, and referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

February 13, 2012

The JUDICIARY AND RULES Committee reports that S 1306, S 1307, S 1308, S 1309, S 1310, S 1311, S 1312, S 1313, S 1314, S 1315, S 1316, SCR 117, SCR 118, and SCR 119 have been correctly printed.

DARRINGTON, Chairman

S 1306, S 1307, and S 1308 were referred to the Commerce and Human Resources Committee.

S 1309 was referred to the Health and Welfare Committee.

S 1310, S 1311, S 1312, and S 1313 were referred to the Transportation Committee.

S 1314, S 1315, and S 1316 were referred to the Local Government and Taxation Committee.

SCR 117, SCR 118, and SCR 119 were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 10, 2012

The JUDICIARY AND RULES Committee reports that Enrolled S 1223, S 1257, S 1258, and S 1267 were delivered to the Office of the Governor at 1:35 p.m., February 10, 2012.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

February 10, 2012

The JUDICIARY AND RULES Committee reports that S 1237 has been correctly enrolled.

DARRINGTON, Chairman

The President signed Enrolled S 1237 and ordered it transmitted to the House for the signature of the Speaker.

February 10, 2012

The RESOURCES AND ENVIRONMENT Committee reports out S 1283 with the recommendation that it do pass.

PEARCE, Chairman

S 1283 was filed for second reading.

February 10, 2012

The RESOURCES AND ENVIRONMENT Committee reports it has had under consideration the Gubernatorial appointment listed below and the Committee recommends that said appointment be confirmed by the Senate:

Jim Yost to the Northwest Power and Conservation Council, term to expire January 15, 2015.

PEARCE, Chairman

The Gubernatorial appointment was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

Messages from the Governor

February 10, 2012

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that I have signed today and am transmitting to the Secretary of State the following Senate Bill, to wit:

S 1258

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor of Idaho

The correspondence was ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Tenth Order of Business.

Motions and Resolutions

Senator Pearce was recorded present at this order of business.

The President announced that **SCR 114** was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Broadsword, seconded by Senator McGee, **SCR 114** was adopted by voice vote, title was approved, and the resolution ordered transmitted to the House.

The President announced that **SCR 115** was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Broadsword, seconded by Senator Malepeai, **SCR 115** was adopted by voice vote, title was approved, and the resolution ordered transmitted to the House.

The President announced that the Commerce and Human Resources Committee report relative to the Gubernatorial appointment of Mark Holubar was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Smyser, seconded by Senator Stennett, the Gubernatorial appointment of Mark Holubar as a member of the Idaho Personnel Commission was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

Senator Lodge was recorded present at this order of business.

The President announced that the Local Government and Taxation Committee report relative to the Gubernatorial appointment of Linda Pike was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Bilyeu, seconded by Senator Corder, the Gubernatorial appointment of Linda Pike as a member of the Board of Tax Appeals was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial

appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President announced that the Local Government and Taxation Committee report relative to the Gubernatorial appointment of Richard W. Jackson was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by President Pro Tempore Hill, seconded by Senator Bilyeu, the Gubernatorial appointment of Richard W. Jackson as a member of the State Tax Commission was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The Senate advanced to the Eleventh Order of Business.

Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials**S 1317****BY STATE AFFAIRS COMMITTEE****AN ACT**

RELATING TO HIGHWAYS AND BRIDGES; AMENDING SECTION 40-315, IDAHO CODE, TO REVISE PROVISIONS RELATING TO FEDERALLY FUNDED TRANSPORTATION PROJECT FINANCING, TO PROVIDE FOR A BRIDGE PROGRAM AND TO MAKE TECHNICAL CORRECTIONS.

S 1318**BY STATE AFFAIRS COMMITTEE****AN ACT**

RELATING TO ADMINISTRATIVE RULES; AMENDING SECTION 67-5220, IDAHO CODE, TO PROVIDE STATUTORY PROCEDURES FOR NEGOTIATED RULEMAKING; AMENDING SECTION 67-5221, IDAHO CODE, TO PROVIDE NOTICE FOR NEGOTIATED RULEMAKING, TO PROVIDE FOR AN AGENCY TO POST NOTICE OF RULEMAKING ONTO ITS WEBSITE IF THE AGENCY HAS A WEBSITE AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY.

S 1319**BY JUDICIARY AND RULES COMMITTEE****AN ACT**

RELATING TO MOTOR VEHICLE FINANCIAL RESPONSIBILITY; AMENDING SECTION 49-1232, IDAHO CODE, TO PROVIDE THAT A CERTAIN CERTIFICATE OR PROOF OF LIABILITY INSURANCE MAY BE PRODUCED IN PAPER OR ELECTRONIC FORMAT AND TO PROVIDE THE ACCEPTABLE ELECTRONIC FORMATS.

S 1320**BY RESOURCES AND ENVIRONMENT COMMITTEE****AN ACT**

RELATING TO IRRIGATION DISTRICTS; AMENDING CHAPTER 1, TITLE 43, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 43-112A, IDAHO CODE, TO PROVIDE FOR APPLICATIONS TO VOTE BY ABSENTEE BALLOT, TO REQUIRE ELECTORS' OATHS, TO PROVIDE FOR THE RETURN AND RECEIPT OF OATHS AND ABSENTEE BALLOTS, TO REQUIRE CERTAIN WRITTEN

DESIGNATIONS TO BE PROVIDED WITH OATHS AND ABSENTEE BALLOTS, TO PROVIDE FOR TRANSMITTAL OF ABSENTEE BALLOTS, OATHS AND DESIGNATIONS BY THE SECRETARY OF THE DISTRICT TO ELECTION JUDGES, TO PROVIDE THAT ABSENTEE BALLOTS ARE SUBJECT TO CHALLENGE, TO PROVIDE THAT GENERAL ELECTION LAWS RELATING TO ABSENTEE BALLOTS SHALL NOT APPLY AND TO PROVIDE FOR APPLICABILITY OF SPECIFIED PROVISIONS.

S 1321

BY RESOURCES AND ENVIRONMENT COMMITTEE AN ACT

RELATING TO FISH AND GAME; AMENDING SECTION 36-111, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE USE OF MONEYS IN THE WINTER FEEDING ACCOUNT, TO REVISE PROVISIONS RELATING TO THE USE OF THE BALANCE OF MONEYS FROM A SPECIFIED SOURCE WHICH WERE NOT DEPOSITED IN THE FEEDING ACCOUNT AND TO REQUIRE THE DEPARTMENT OF FISH AND GAME TO MAKE YEARLY REPORTS TO THE SENATE RESOURCES AND CONSERVATION COMMITTEE AND THE HOUSE RESOURCES AND ENVIRONMENT COMMITTEE DETAILING HOW FUNDS IN THE FEEDING ACCOUNT HAVE BEEN EXPENDED.

S 1322

BY STATE AFFAIRS COMMITTEE AN ACT

RELATING TO BEER; AMENDING SECTION 23-1001, IDAHO CODE, TO REVISE A DEFINITION; AND AMENDING SECTION 23-1033, IDAHO CODE, TO REVISE PROVISIONS REGARDING AN EXCEPTION RELATING TO CERTAIN FINANCIAL INTEREST OR OWNERSHIP OR CONTROL OF CERTAIN REAL PROPERTY AND TO MAKE TECHNICAL CORRECTIONS.

S 1323

BY STATE AFFAIRS COMMITTEE AN ACT

RELATING TO BOARD OF TRUSTEES OF LIBRARY DISTRICTS; AMENDING SECTION 33-2716, IDAHO CODE, TO REVISE CERTAIN PROVISIONS RELATING TO THE RECALL OF LIBRARY DISTRICT TRUSTEES.

[S 1317](#), [S 1318](#), [S 1319](#), [S 1320](#), [S 1321](#), [S 1322](#), and [S 1323](#) were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

[S 1279](#) and [S 1281](#), by Health and Welfare Committee, were read the second time at length and filed for third reading.

[H 412](#), by Agricultural Affairs Committee, was read the second time at length and filed for third reading.

[H 367](#), by Transportation and Defense Committee, was read the second time at length and filed for third reading.

[S 1268](#), by Commerce and Human Resources Committee, was read the second time at length and filed for third reading.

[S 1277](#), [S 1278](#), and [S 1280](#), by Health and Welfare Committee, were read the second time at length and filed for third reading.

[H 394](#), by Education Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

On request by Senator Corder, granted by unanimous consent, [S 1255](#) was referred to the Fourteenth Order of Business, General Calendar.

[S 1265](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Lodge arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McGee, Malloy (McKague), McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 35.

Whereupon the President declared [S 1265](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1266](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Davis arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, Lodge, McGee, Malloy (McKague), McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 32.

NAYS—Bock, LeFavour, Malepeai. Total - 3.

Total - 35.

Whereupon the President declared [S 1266](#) passed, title was approved, and the bill ordered transmitted to the House.

[H 382](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Mortimer arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

On request by Senator Mortimer, granted by unanimous consent, [H 382](#) retained its place on the Third Reading Calendar for one legislative day.

[H 384](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Andreason arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McGee, Malloy (McKague), McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 35.

Whereupon the President declared [H 384](#) passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Sixth Order of Business.

Reports of Standing Committees

On motion by Senator Davis, seconded by Senator Malepeai, by voice vote the Senate recessed at 11:50 a.m. until the hour of 4 p.m. of this day.

RECESS AFTERNOON SESSION

The Senate reconvened at 4 p.m., pursuant to recess, President Little presiding.

Roll call showed all members present except Senators Bair and Cameron, absent and excused.

Prior to recess the Senate was at the Sixth Order of Business, Reports of Standing Committees.

February 13, 2012

The JUDICIARY AND RULES Committee reports it has had under consideration the Gubernatorial appointments listed below and the Committee recommends that said appointments be confirmed by the Senate:

Charles "Chad" A. Huff to the Sexual Offender Management Board, term to expire January 1, 2016.

Dolly Ouita Bedal to the Sexual Offender Management Board, term to expire January 1, 2014.

Jean M. Fisher to the Sexual Offender Management Board, term to expire January 1, 2015.

Jeffrey A. Betts to the Sexual Offender Management Board, term to expire January 1, 2016.

Jon Michael Burnham to the Sexual Offender Management Board, term to expire January 1, 2015.

Michael David Johnston to the Sexual Offender Management Board, term to expire January 1, 2016.

Paula K. Garay to the Sexual Offender Management Board, term to expire January 1, 2014.

Shane Lee Evans to the Sexual Offender Management Board, term to expire January 1, 2015.

DARRINGTON, Chairman

The Gubernatorial appointments were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 13, 2012

The JUDICIARY AND RULES Committee reports out [H 402](#) and [S 1292](#) with the recommendation that they do pass.

DARRINGTON, Chairman

[H 402](#) and [S 1292](#) were filed for second reading.

February 13, 2012

The RESOURCES AND ENVIRONMENT Committee reports it has had under consideration the Gubernatorial appointments listed below and the Committee recommends that said appointments be confirmed by the Senate:

Charles H. Correll to the Park and Recreation Board, term to expire June 30, 2013.

Robert H. Hansen to the Park and Recreation Board, term to expire June 30, 2017.

PEARCE, Chairman

The Gubernatorial appointments were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

On request by Senator Davis, granted by unanimous consent, [H 404](#), as amended in the Senate, was referred to the Fourteenth Order of Business, General Calendar.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Eleventh Order of Business.

Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

S 1324

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO ATTORNEY'S FEES IN CIVIL ACTIONS; AMENDING SECTION 12-120, IDAHO CODE, TO PROVIDE THAT THERE SHALL BE TAXED AND ALLOWED TO THE PREVAILING PARTY A REASONABLE AMOUNT FIXED BY THE COURT AS ATTORNEY'S FEES IN CERTAIN ACTIONS WHERE THE AMOUNT PLEADED IS THIRTY-FIVE THOUSAND DOLLARS OR LESS.

S 1325

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO THE IDAHO BAIL ACT; AMENDING SECTION 19-2911, IDAHO CODE, TO PROVIDE CONDITIONS AND REQUIREMENTS RELATING TO THE RELEASE OF A DEFENDANT UPON THE POSTING OF A BAIL BOND.

S 1326

BY HEALTH AND WELFARE COMMITTEE

AN ACT

RELATING TO VOCATIONAL REHABILITATION; AMENDING SECTION 33-2307, IDAHO CODE, TO REVISE LEGISLATIVE INTENT; AMENDING SECTION 33-2308, IDAHO CODE, TO PROVIDE A TERMINATION DATE FOR THE PROGRAM TO PROVIDE TREATMENT TO PERSONS SUFFERING FROM RENAL DISEASES, TO PROVIDE FOR MEDICAID RESTRICTIONS AND TO CLARIFY WHO MAY RECEIVE CERTAIN ASSISTANCE; REPEALING SECTIONS 33-2307 AND 33-2308, IDAHO CODE, RELATING TO RENAL DISEASES; DECLARING AN EMERGENCY, PROVIDING RETROACTIVE APPLICATION AND PROVIDING EFFECTIVE DATES.

S 1327
BY EDUCATION COMMITTEE
 AN ACT

RELATING TO EDUCATION; AMENDING SECTION 33-513, IDAHO CODE, TO REVISE PROVISIONS RELATING TO DELIVERY OF A CONTRACT, TO PROVIDE THAT A DESIGNEE OF THE BOARD MAY DECLARE A POSITION VACANT, TO REVISE PROVISIONS RELATING TO A DISTRICT COURT ORDER AND TO REVISE PROVISIONS RELATING TO THE DISTRICT PLACING AN EMPLOYEE ON INVOLUNTARY UNPAID LEAVE OR UNPAID SUSPENSION; AMENDING SECTION 33-514, IDAHO CODE, TO REMOVE LANGUAGE RELATING TO A REDUCTION IN FORCE, TO REVISE PROVISIONS RELATING TO A CATEGORY B CONTRACT AND TO REVISE A DATE; AMENDING SECTION 33-515, IDAHO CODE, TO REVISE A PROVISION RELATING TO CERTIFICATED EMPLOYEES EMPLOYED PURSUANT TO A GRANDFATHERED RENEWABLE CONTRACT AND TO REVISE PROVISIONS RELATING TO REASSIGNMENT OF AN ADMINISTRATIVE EMPLOYEE; AMENDING SECTION 33-1271, IDAHO CODE, TO REVISE PROVISIONS RELATING TO FINAL OFFERS OF SETTLEMENT, TO REVISE PROVISIONS RELATING TO THE SUBJECT MATTER OF NEGOTIATIONS AND TO PROVIDE FOR RULES; AMENDING SECTION 33-1272, IDAHO CODE, TO REVISE A DEFINITION; DECLARING AN EMERGENCY; AND PROVIDING A CONTINGENT SUNSET DATE.

S 1328
BY EDUCATION COMMITTEE
 AN ACT

RELATING TO EDUCATION; AMENDING SECTION 33-1021, IDAHO CODE, TO REVISE PROVISIONS RELATING TO CRITERIA FOR THE DISTRIBUTION OF CERTAIN MONEYS; AMENDING SECTION 33-1626, IDAHO CODE, TO REVISE PROVISIONS RELATING TO POSTSECONDARY CREDITS OF DUAL CREDIT COURSES AND TO REVISE A PROVISION RELATING TO COUNTING AVERAGE DAILY ATTENDANCE; AMENDING SECTION 33-1627, IDAHO CODE, TO ESTABLISH PROVISIONS PROVIDING THAT PARENTS OR GUARDIANS SHALL NOT HAVE THE RIGHT TO ENROLL A STUDENT IN AN ONLINE COURSE WITHOUT CERTAIN PERMISSION AND TO ESTABLISH PROVISIONS RELATING TO ONLINE COURSE PROVIDERS REPORTING AVERAGE DAILY ATTENDANCE; DECLARING AN EMERGENCY AND PROVIDING A CONTINGENT SUNSET DATE.

S 1329
BY EDUCATION COMMITTEE
 AN ACT

RELATING TO EDUCATION; AMENDING SECTION 33-1004F, IDAHO CODE, TO REVISE PROVISIONS RELATING TO CERTAIN OBLIGATIONS TO RETIREMENT AND SOCIAL SECURITY BENEFITS; AMENDING SECTION 33-1004I, IDAHO CODE, TO REVISE A PROVISION RELATING TO PAY FOR PERFORMANCE BONUSES FOR STUDENT ACHIEVEMENT GROWTH AND TO REVISE CERTAIN DATES RELATING TO CERTAIN CERTIFICATED EMPLOYEES' NEW EMPLOYMENT CONTRACTS, TO ESTABLISH A PROVISION RELATING TO CERTAIN ADMINISTRATIVE EMPLOYEES' AWARD OF PAY FOR PERFORMANCE SHARES, TO REVISE A PROVISION RELATING TO A CERTAIN DISTRIBUTION AND TO ESTABLISH PROVISIONS RELATING TO A

DISTRIBUTION ALLOCATED FOR CERTAIN BENEFIT COSTS; DECLARING AN EMERGENCY AND PROVIDING A CONTINGENT SUNSET DATE.

[S 1324](#), [S 1325](#), [S 1326](#), [S 1327](#), [S 1328](#), and [S 1329](#) were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fourteenth Order of Business.

General Calendar

The President declared the Senate resolved into the Committee of the Whole and called Senator Winder to the Chair to preside during the sitting of the Committee of the Whole.

Following the adjournment of the Committee of the Whole, the President called the Senate to order.

Report of the Committee of the Whole

Senator Winder, Chairman of the Committee of the Whole, reported out [H 404](#), as amended in the Senate, without recommendation and without amendment.

Senator Bair was recorded present at this order of business.

The Committee also has [S 1215](#), [S 1231](#), and [S 1255](#) under consideration, reports progress, and begs leave to sit again.

WINDER, Chairman

On motion by Senator Winder, seconded by Senator Malepeai, the report was adopted by voice vote.

[H 404](#), as amended in the Senate, was filed for third reading.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Thirteenth Order of Business.

Third Reading of Bills

On request by Senator Davis, granted by unanimous consent, all Senate bills were placed at the head of the Third Reading Calendar, followed by House bills amended in the Senate, followed by House bills.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

Senator Cameron was recorded present at this order of business.

On motion by Senator Davis, seconded by Senator Malepeai, by voice vote, the Senate adjourned at 4:35 p.m. until the hour of 10:30 a.m., Tuesday, February 14, 2012.

BRAD LITTLE, President

Attest: JENNIFER NOVAK, Secretary